

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Objections to the specification

The examiner has objected to the title of the invention as being not descriptive. The title has been amended to more clearly describe the claimed invention. Accordingly, withdrawal of the objection is requested.

Rejection of claims 1, 2, and 8 under 35 U.S.C. § 102

Claims 1, 2, and 8 presently stand rejected as being anticipated by Kilstrom et al (U.S. 5,781,960) and as being anticipated by Dyson et al (U.S. 6,581,230). These rejections are respectfully traversed for at least the following reasons.

Claim 1 has been amended to incorporate elements previously recited in claims 2-6, and claims 2-6 have been cancelled. Accordingly, claim 1 contains elements (at least those set forth in claims 3-6) which the examiner has already noted are not disclosed by either of Kilstrom and Dyson.

Therefore, it is respectfully submitted that amended claim 1 is not anticipated by either Kilstrom or Dyson, and withdrawal of these rejections is requested.

Rejection of claims 3-8 under 35 U.S.C. § 103(a)

Claim 3 presently stands rejected as being unpatentable over each of Kilstrom and Dyson, each individually. Claim 4 is rejected as being unpatentable over Dyson in view of Wegelin (U.S. 6,591,447), and claims 5-7 are rejected as unpatentable over each of Kilstrom and Dyson in further view of Kirkpatrick et al (U.S. 6,481,515) and Burlington (U.S. 6,601,265). These rejections are respectfully traversed for at least the following reasons.

As noted above, claim 1 is amended to incorporate elements previously recited in claims 2-6, and claims 2-6 have been cancelled. Additionally, claim 7 has been amended to depend from the amended claim 1, and claim 8 has been cancelled.

It is respectfully submitted that amended claim 1, along with claim 7 which depends from claim 1, are allowable over the cited references.

It is respectfully submitted that the cited references, either individually or in combination, fail to disclose or suggest each and every element set forth in amended claim 1.

Applicant submits that neither Kilstrom nor Dyson disclose or suggest a tubular nozzle body having a lower end adapted to trail on a floor surface, and an upper end that extends upwardly from the lower end, that is communicated with and slidable relative to a vacuum inlet, and that is sleeved slidably on the vacuum inlet.

Neither Kilstrom nor Dyson disclose or suggest any kind of "sleeved" arrangement between a nozzle body and a vacuum inlet.

It is respectfully submitted that Kilstrom does not disclose or suggest a tubular nozzle body having a lower end and an upper end wherein the lower end is adapted to trail on a floor surface, and the upper end is sleeved over a vacuum inlet. Instead, Kilstrom has a nozzle part which has along a side a nozzle opening 51 (See *Kilstrom*; Figs 5, 6). An inlet channel extends from the side nozzle opening 51 to a sleeve 25, which extends through an opening 23 in a bottom of the vacuum.

Accordingly, Kilstrom does not have the claimed upper end of a tubular nozzle body sleeved slidably over a vacuum inlet. Moreover, even if the sleeve 25 were sleeved over a nozzle inlet (which it is clearly not) the sleeve 25 cannot be construed as an upper end that extends upwardly from the lower end, since the sleeve 25 extends from the inlet channel 57 which extends from a side, and not upward, from the nozzle part 47 (see *Kilstrom*; col. 3, lines 29-41, Figs 5, 6).

It is respectfully submitted that Dyson does not disclose or suggest a tubular nozzle body having a lower end and an upper end wherein the lower end is adapted to trail on a

floor surface, and the upper end is sleeved over a vacuum inlet. On the contrary, Dyson discloses that a "rolling seal 30, which is formed from rubber or a synthetic rubber, is secured around the periphery of the aperture 112. The other end of the rolling seal 30 is secured to the inlet port 32." (*Dyson*; col. 7, lines 19-22). Further, Dyson notes that "the rolling seal 90 [sic] merely folds or crumples to accommodate the change in relative positions." (*Dyson*; col. 7, lines 28-30).

Therefore, Dyson does not disclose or suggest the claimed upper end of a tubular nozzle body sleeved slidably over a vacuum inlet.

It is further submitted that none of the additionally cited references (Wegelin, Kirkpatrick, and Burlington) disclose or suggest any kind of "sleeved" arrangement between a nozzle body and a vacuum inlet, and therefore the additionally cited references fail to supplement the deficiencies noted with respect to Dyson and Kilstrom.

Further, the examiner has noted that both Dyson and Kilstrom fail to disclose an intermediate member, and that Dyson fails to disclose a biasing member. Applicant notes that Kilstrom, as well, fails to disclose a biasing member.

While the examiner appears to agree that Dyson fails to disclose or suggest an intermediate member, the examiner suggests that the teachings of Wegelin provide the necessary teaching to arrive at the claimed invention wherein a biasing member is disposed between the bottom wall of the housing and the intermediate member to bias the nozzle body toward a floor surface.

Applicant disagrees. Wegelin itself does not teach or suggest the claimed intermediate member. Accordingly, although Wegelin does disclose a spring for urging a suction nozzle into a carpet pile, Wegelin cannot provide any teaching or suggestion with respect to the location of a biasing member relative to the intermediate member of the claimed intake nozzle.

Furthermore, while Wegelin discloses several different configurations of a spring for urging a suction nozzle into a carpet pile, in none of these configurations is the spring disposed between a bottom wall of a housing and any other element. Accordingly,

Wegelin cannot be construed to provide any teaching or suggestion of a biasing member disposed between a bottom wall of a housing and an intermediate member of the claimed intake nozzle.

For at least these reasons, it is respectfully submitted that claims 1 and 7 of the present application are allowable over the cited references, and withdrawal of the present rejections is requested.

Conclusion


In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1 and 7 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

Respectfully submitted,

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Date: January 3, 2007


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